

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
97-CR-133-A

NEAL BENJAMIN,

Defendant.

Defendant Neal Benjamin has filed a *pro se* motion for resentencing pursuant to 18 U.S.C. § 3582 and the First Step Act of 2018, Pub. L. N. 115-391, § 404, 132 Stat. 5194 (Dec. 21, 2018). Defendant Benjamin acknowledges that his sentence of imprisonment was imposed under 21 U.S.C. § 841(b)(1)(C). Dkt. No. 927, p. 1, 3. He was sentenced to imprisonment without reference to a statutory mandatory-minimum term of imprisonment and within Sentencing Guidelines ranges based upon quantities of cocaine base that do not authorize a sentence reduction under the First Step Act and § 3582. See Dkt. Nos. 865, 883, pp. 9-10. The Court has considered the defendant's other arguments in support of a sentence reduction and finds they are all without merit. See *e.g.*, Dkt. No. 933. The defendant's motion for resentencing is denied.

IT IS SO ORDERED.

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: October 21, 2019